

Message Text

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ORIGIN ERDA-07

INFO OCT-01 NEA-09 IO-10 ISO-00 OES-03 PM-03 FEA-01

ACDA-05 CIAE-00 INR-07 L-02 NSAE-00 NSC-05 EB-07

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NEA/INS: BBROWN

PM/NPO: GOPLINGER

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R 231435Z APR 75

FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA

INFO AMEMBASSY NEW DELHI

C O N F I D E N T I A L STATE 092962

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, IN US

SUBJECT: INDIAN REQUEST TO TRANSFER IRRADIATED TARAPUR FUEL
TO UNSAFEGUARDED FACILITIES FOR DESTRUCTIVE TESTING

REF: (A) 56376

(B) IAEA VIENNA 2341

1. IN MARCH 21 LETTER, INDIAN EMBASSY HAS REPLIED TO FRIEDMAN
LETTER (REF A PARA 4), STATING QUOTE IT IS CONFIRMED THAT THE
PROGRAM OF DESTRUCTIVE ANALYSIS WILL BE DEVOTED EXCLUSIVELY
TO THE NEEDS OF THE TARAPUR ATOMIC POWER STATION UNQUOTE.
(NO MENTION OF QUOTE ANY OTHER USE UNQUOTE LIMITATION WHICH
WAS SPECIFICALLY INCLUDED IN FRIEDMAN LETTER.)

2. ERDA PROPOSES REPLY TO EMBASSY ACKNOWLEDGING LETTER AND
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STATING THAT U.S. HAS NO OBJECTION TO GOI'S PROCEEDING WITH

ITS PLAN AS DESCRIBED IN EMBASSY LETTER OF FEBRUARY 5, QUOTE
AS SOON AS MUTUAL AGREEMENT BETWEEN THE U.S., THE GOI, AND THE
IAEA HAS BEEN REACHED, IN ACCORDANCE WITH SECTION 16 OF THE SAFE-
GUARDS TRANSFER AGREEMENT (STA), ON THE CONDITIONS FOR SUSPENSION
OF THE PROVISIONS OF THAT AGREEMENT WITH RESPECT TO THE MATERIAL
CONCERNED. WE UNDERSTAND THAT THE PROPOSED DESTRUCTIVE ANALYSIS
PROGRAM AND ANY OTHER USE OF THE TRANSFERRED MATERIAL (INCLUDING
ANY MATERIAL THAT WILL NOT BE RETURNED TO TAPS) WILL BE DEVOTED
EXCLUSIVELY TO THE NEEDS OF TAPS. IN FURTHERANCE OF THE U.S.-
INDIAN EXCHANGE OF INFORMATION ON TAPS, PURSUANT TO ARTICLE I
OF THE U.S.-INDIA AGREEMENT FOR COOPERATION, WE ASSUME THAT THE
GOI WILL BE WILLING TO PROVIDE THE U.S. WITH THE RESULTS
OF THE DESTRUCTIVE ANALYSIS. IN THE THOUGHT THAT MUTUAL AGREEMENT
ON THE CONDITIONS FOR THE SUSPENSION OF THE PROVISIONS OF THE
STA MIGHT BE REACHED MOST PROMPTLY IN VIENNA, WE ARE ASKING
THE U.S. MISSION THERE TO UNDERTAKE APPROPRIATE DISCUSSIONS
WITH THE IAEA AND THE GOI MISSION TO THE AGENCY UNQUOTE.

3. MISSION REQUESTED CABLE PRIORITY OR TELEPHONE ERDA (SLAWSON/
AMMONS) TO ADVISE WHETHER IT SEES ANY OBJECTION TO PROPOSED
REPLY. IF NOT, MISSION REQUESTED UNDERTAKE DISCUSSIONS WITH IAEA
AND GOI MISSION CONCERNING CONDITIONS FOR SUSPENDING PROVISIONS
OF STA RE TRANSFERRED MATERIAL. CONDITIONS WHICH U.S. WISHES
INCLUDED ARE INDICATED ABOVE, I.E., TESTING AND ANY OTHER
USE OF TRANSFERRED MATERIAL WILL BE DEVOTED EXCLUSIVELY TO NEEDS
OF TAPS, AND GOI WILL PROVIDE TESTING RESULTS TO U.S. REGARDING
SAFEGUARDS PROCEDURES TO BE INCLUDED AMONG CONDITIONS, THESE
SHOULD, OF COURSE, BE DRAWN UP BY IAEA, AND WE ANTICIPATE THAT
THERE WILL BE NO REASON FOR U.S. TO DO OTHER THAN CONCUR.
PROCEDURES 5 THROUGH 7 IN PAPER BROUGHT BACK BY MAHY (REF
A PARA 2), COPY OF WHICH WAS AIRMAILED TO MISSION MARCH 20,
SEEM APPROPRIATE, BUT WE REALIZE THAT PAPER WAS PRELIMINARY
DRAFT AND PROCEDURES FINALLY PREFERRED BY AGENCY MAY BE DIFFERENT.

4. FYI: RE PARA 2 REF B, IT SHOULD BE NOTED THAT STA PROVIDES
FOR IAEA IMPLEMENTATION OF SAFEGUARDS PROVISIONS OF ARTICLE
VI - B AND C IN BILATERAL AGREEMENT BUT DOES NOT AFFECT OTHER
PROVISIONS OF BILATERAL. THEREFORE EVEN IF ACCEPTABLE SUBSTI-
TUTION ARRANGEMENTS COULD BE MADE IN ACCORDANCE WITH SECTION
13 OF TRILATERAL, NEVERTHESS INDIA, IN ORDER TO CARRY OUT ITS
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PROPOSED PROGRAM, WOULD STILL BE OBLIGATED BY ARTICLE II.
E OF BILATERAL TO OBTAIN PRIOR U.S. AGREEMENT TO ALTERATION
OF FORM AND CONTENT OF IRRADIATED FUEL ELEMENTS BEFORE THEIR
DELIVERY TO REPROCESSING FACILITY. INDIAN RECOGNITION OF THIS
OBLIGATION IS EVIDENCED BY REFERENCE TO ARTICLE II.E IN FIRST
EMBASSY LETTER. (PARA 1 REF A). END FYI.

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Message Attributes

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Margaret P. Grafeld
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